



Resolution
dated 12/21/2023 in case 638/5519/23
Dzerzhyn District Court of Kharkiv

Case No. 638/5519/23

Proceedings No. 1-kp/638/1372/23

Ukhvalaimenem of Ukraine

On December 22, 2023, the Dzerzhynsky District Court of Kharkiv in the composition of:

the presiding judge with the participation of: the secretary of the court session, the prosecutor, the defense attorney of the accused, the translator - PERSON_1 , -PERSON_2 , -PERSON_3 , -Lira Lopez PERSON_4 , -PERSON_5 , -PERSON_6 ,

having considered in a court session in the courtroom in the city of Kharkiv in the mode of a video conference the petition of the prosecutor of the Kharkiv Regional Prosecutor's Office PERSON_3 to extend the term of the preventive measure in the form of detention in criminal proceedings, entered in the Unified Register of Pretrial Investigations under No. 22022220000000618 of April 12, 2022, regarding the accused

PERSON_7 , INFORMATION_1 , a citizen of the Republic of Chile and the Federal Republic of the United States of America, a native of Los Angeles, California, United States of America, married, officially unemployed, who has two children, actually lives at the address: ADDRESS_1 , not previously convicted,

in the commission of criminal offenses provided for in Part 2 of Art. 436-2, Part 3 of Art. 436-2 of the Criminal Code of Ukraine,-

INSTALLED:

Since June 7, 2023, in the proceedings of the judge of the Dzerzhynsky District Court of Kharkiv PERSON_1, there is an indictment in criminal proceedings entered in the Unified Register of Pretrial Investigations under No. 22022220000000618 dated April 12, 2022 against PERSON_7, who is accused of committing criminal offenses provided for in Part 2 Art. 436-2, Part 3 of Art. 436-2 of the Criminal Code of Ukraine.

On December 22, 2023, at a court hearing, the prosecutor submitted a motion to extend the preventive measure in the form of detention for a period of 60 days, without setting bail.

The petition is based on the fact that PERSON_7 is accused of committing a criminal offense - a crime provided for in Part 2 of Article 436-2 of the Criminal Code of Ukraine, that is, in the production and distribution of materials containing justification, recognition as legitimate, denial of the armed aggression of the Russian Federation against Ukraine, launched in 2014, as well as justification, recognition of the lawful temporary occupation of a

part of the territory of Ukraine and in the commission of a criminal offense - the crime provided for in Part 3 of Art. 436-2 of the Criminal Code of Ukraine, i.e. in the production and dissemination of materials containing justification, recognition as legitimate, denial of the armed aggression of the Russian Federation against Ukraine, which began in 2014, including by presenting the armed aggression of the Russian Federation against Ukraine as an internal civil conflict, justification, recognition of the lawful temporary occupation of a part of the territory of Ukraine, as well as justification, recognition of the lawful temporary occupation of a part of the territory of Ukraine, glorification of persons who carried out the armed aggression of the Russian Federation against Ukraine, which began in 2014, committed repeatedly.

By the decision of the investigating judge of the Kyiv District Court. Kharkiv dated May 1, 2023, PERSON_7 was placed in custody until June 29, 2023, with a bail amount of UAH 402,600.00, imposed for a period of two months with the following obligations: to appear before the investigator, the prosecutor, the court at the first summons; not to leave the city of Kharkiv without the permission of the investigator, prosecutor or court; notify the investigator, prosecutor or court about a change of residence at the address: ADDRESS_1; carry an electronic device with a contra.

By the decision of the Kharkiv Court of Appeal dated May 30, 2023, the decision of the investigative judge of the Kyiv District Court of Kharkiv dated May 1, 2023 was left unchanged.

The decision of the Dzerzhinsky District Court of Kharkiv dated June 26, 2023 extended the preventive measure in the form of detention, chosen in relation to the accused PERSON_7, until August 24, 2023, with the possibility of applying an alternative preventive measure in the form of bail, in the amount specified in the decision of the investigating judge of the Kyiv District Court of Kharkiv from May 1, 2023, reviewed by the Kharkiv Court of Appeal, namely in the amount of UAH 402,600.00. Upon payment of a specified amount of bail, PERSON_7 shall be released from custody and assigned the following duties for a period of two months: to appear before the investigator, the prosecutor, the court at the first summons; not to leave the city of Kharkiv without the permission of the investigator, prosecutor or court; notify the investigator, prosecutor or court about a change of residence at the address: ADDRESS_1; carry an electronic device backwards; to deposit with the relevant state authorities a passport for traveling abroad or other documents that grant the right to travel abroad.

The accused posted bail, in connection with which he was released from custody on July 6, 2023.

By the decision of the Dzerzhinsky District Court of Kharkiv dated August 4, 2023, the deposit in the amount of UAH 402,600.00, made by the accused on the basis of the decision of the investigating judge of the Kyiv District Court of Kharkiv dated May 1, 2023, was transferred to the state revenue and credited to the special fund of the State Budget of Ukraine. of the year reviewed by the Kharkiv Court of Appeal in case No. 953/2692/23. A preventive measure in the form of detention until October 2, 2023 without determining the amount of bail was chosen for the accused PERSON_7, INFORMATION_1.

The decision of the Dzerzhinsky District Court of Kharkiv dated August 4, 2023 was left unchanged by the court of appeal.

The decision of the Dzerzhinsky District Court of Kharkiv dated November 8, 2023 extended the preventive measure in the form of detention until January 8, 2024.

The prosecutor supported the demands of the petition and asked to be satisfied. He noted that only a preventive measure in the form of detention can ensure proper procedural behavior of the accused, the risks have not ceased to exist and have not decreased.

Lira PERSON_8 objected to the granting of the petition at the court hearing. In response to the judge's clarifying question about the possibility of holding a court session and considering the petition, given the unsatisfactory state of health of the accused, the accused stated that he wishes to participate in the court session and insists on its holding.

Present at the court session, the doctor of the Kharkiv City Medical Unit No. 27 of the State Institution "Center for Health Care of the DKVSUkraine", branch in the Kharkiv and Luhansk Regions PERSON_9, in response to the court's clarifying questions regarding the state of health of the accused, stated that the doctors of the medical unit conducted a medical examination of the accused, diagnosed "pneumonia , bilateral pneumonia", the accused is provided with necessary and sufficient medical assistance, specialist supervision and treatment. The state of health of the accused is unsatisfactory, but it does not prevent the holding of the court session. There are no threats to the accused's life. The accused does not need to be hospitalized, the conditions of the medical part of the pretrial detention center are adequate and capable of providing the necessary and sufficient treatment of the accused.

The defender of the accused PERSON_5 objected to the granting of the petition at the court hearing, referring to the fact that the qualification of the prosecution under part 3 of Art. 436-2 of the Criminal Code of Ukraine is unfounded. According to Part 2 of Art. 32 of the Criminal Code of Ukraine, a continuing crime consisting of two or more identical criminal acts committed at different times, united by a single criminal intent, is not a repetition. Taking into account that, the actions that are incriminated against the accused should be qualified as a continuing crime. The prosecutor did not prove the declared risks. He asked to apply a preventive measure to the accused in the form of house arrest or detention with the right to post bail.

Taking into account the opinion of the participants in the trial regarding the possibility of holding a court session taking into account the state of health of the accused, providing explanations by a doctor about the state of health of the accused, the court came to a conclusion about the possibility of holding a court session and considering the prosecutor's request.

When deciding the question of the expediency of extending the term of a preventive measure in the form of detention, the court is guided by the following.

In accordance with part 1, 3 of article 331 of the Criminal Code of Ukraine, during the trial, the court, at the request of the prosecution or the defense, has the right to change, cancel, choose or extend the preventive measure against the accused. If there are motions, during the trial, the court is obliged to consider the feasibility of extending the preventive measure until the end of the two-month period from the day of its application. Based on the results of consideration of the issue, the court, by its reasoned decision, cancels, changes the preventive measure or extends its effect for a period that cannot exceed two months. A copy of the decision is handed to the accused, the prosecutor and sent to the authorized official at the place of detention.

According to Part 2 of Art. 331 of the Criminal Procedure Code of Ukraine, the decision of the court on the preventive measure is made in accordance with the procedure provided by Chapter 18 of this Code.

According to part 4 of Art. 199 of the Criminal Procedure Code of Ukraine, the court is obliged to consider the request to extend the term of detention until the expiration of the previous decision in accordance with the rules provided for considering requests for the application of a preventive measure.

According to Part 3 of Art. 199 of the Criminal Procedure Code of Ukraine, a request to extend the term of detention, in addition to the information specified in Article 184 of this Code, must contain: 1) a statement of circumstances that indicate that the declared risk has not decreased or new risks have appeared that justify the detention of a person ; 2) a statement of the circumstances that prevent the completion of the pre-trial investigation before the expiration of the previous decision on detention.

The fifth part of Art. 199 of the Criminal Procedure Code of Ukraine stipulates that the court is obliged to refuse to extend the term of detention, if the prosecutor or investigator does not prove that the circumstances specified in the third part of this article justify the further detention of the suspect, the accused.

Thus, the reason for continuing to keep a person in custody is, in particular, establishing that the declared risk has not decreased or new risks have appeared that justify keeping a person in custody.

According to the materials of the criminal proceedings, by the decision of the investigating judge of the Kyiv District Court. Kharkiv dated May 1, 2023, PERSON_7 was placed in custody until June 29, 2023, with a bail amount of UAH 402,600.00.

Choosing the term of the preventive measure in the form of detention, the investigating judge took into account that PERSON_7 may hide from the authorities of the pre-trial investigation or the court, destroy, hide or distort any of the things or documents that are of significant importance for establishing the circumstances of a criminal offense, commit another criminal offense.

By the decision of the Kharkiv Court of Appeal dated May 30, 2023, the decision of the investigative judge of the Kyiv District Court of Kharkiv dated May 1, 2023 was left unchanged.

The appellate court at the stage of the pre-trial investigation established the validity of the suspicion, the presence of the above-mentioned risks, resolved the question of the legality of the choice of an alternative preventive measure in the form of bail and its size by the investigating judge.

The accused posted bail, in connection with which he was released from custody on July 6, 2023.

By the decision of the Dzerzhinsky District Court of Kharkiv dated August 4, 2023, the deposit in the amount of UAH 402,600.00, made by the accused on the basis of the decision of the investigating judge of the Kyiv District Court of Kharkiv dated May 1, 2023, was transferred to the state revenue and credited to the special fund of the State Budget of Ukraine. of the year reviewed by the Kharkiv Court of Appeal in case No. 953/2692/23. A

preventive measure in the form of detention until October 2, 2023 without determining the amount of bail was chosen for the accused PERSON_7, INFORMATION_1.

The decision of the Dzerzhinsky District Court of Kharkiv dated August 4, 2023 was left unchanged by the decision of the Kharkiv Court of Appeal dated September 11, 2023.

The decision of the Dzerzhinsky District Court of Kharkiv dated November 8, 2023 extended the preventive measure in the form of detention until January 8, 2024.

According to Clause 4 Part 2 of Art. 183 of the Criminal Procedure Code of Ukraine preventive measure in the form of detention cannot be applied, except to a previously unconvicted person who is suspected or accused of committing a crime for which the law provides for a punishment of imprisonment for a term of more than five years.

Lira OSOBA_8 is accused of committing a minor and a serious crime, punishable by imprisonment for a term of up to five years and imprisonment for a term of five to eight years.

The court established that PERSON_7 is married, but is in the process of divorce, has two minor children from 2014 and 2015, is officially unemployed, is not registered with a psychiatrist or narcologist, has no disabilities, any movable or immovable property in the territory of Ukraine or he has no other state, he lives in Kharkiv in an apartment that belongs to him with the right of use, he has been living in Ukraine since 2017, the children are citizens of Ukraine, they live with their mother in Uzhgorod.

As can be seen from the conclusions regarding the application of legal norms, set out, in particular, in the decisions of the Supreme Court dated 20.06.2019 in case No. 166/313/17, dated 13.08.2020 in case No. 674/1202/19, dated 27.02.2019 in case No. 0503/10653/2012, the awareness of the probability of a person's guilty plea to the charges brought against him and the pressure of the burden of possible punishment are circumstances that indicate the presence of a risk of hiding from the court and are grounds for the application and continuation of a preventive measure in the form of detention.

According to Art. Art. 7-9 of the Criminal Procedure Code of Ukraine, the criminal procedural legislation of Ukraine is applied taking into account the practice of the European Court of Human Rights.

In the decision on the case "W v. Switzerland" dated January 26, 1993, the European Court of Human Rights indicated that taking into account the gravity of the crime has its rational meaning, since it indicates the degree of social danger of this person and allows to predict with a sufficiently high degree of probability his behavior, taking into account that a future conviction for a serious crime increases the risk that the suspect/accused may evade investigation.

According to the practice of the European Court of Human Rights, the seriousness of the accusation is not an independent reason for keeping a person in custody, but such an accusation in combination with other circumstances increases the risk of escape to such an extent that it cannot be averted without taking the person into custody. In the case "Iliykov v. Bulgaria" No. 33977/96 of July 26, 2001, the ECtHR noted that "the severity of the prescribed punishment is an essential element in assessing the risks of concealment or repeated commission of crimes."

In addition, the European Court of Human Rights has repeatedly emphasized that the existence of grounds for detaining a person in custody must be assessed in each criminal proceeding, taking into account its specific circumstances.

Taking into account the identity of the accused PERSON_7, the severity of the punishment that he faces in case of his conviction, the absence of an official source of income and any property on the right of ownership, the presence of two citizenships of other countries, other circumstances of the criminal proceedings, the court comes to the conclusion that at this stage of the criminal proceedings, the risks of the accused taking the actions provided for in clauses 1, 5, part 1 of Article 177 of the Criminal Procedure Code of Ukraine, which were the basis for selecting a preventive measure in the form of detention in relation to the accused at the stage of pre-trial investigation and which were referred to by the prosecutor in the request to extend the preventive measure in the form of detention, did not decrease, nor did any of the other, milder preventive measures, unable to prevent them.

Considering the fact that the accused has a passport of a US citizen and a passport of a citizen of the Republic of Chile, the presence of dual citizenships and passports significantly expands the person's ability to hide abroad, in different countries of the world, in order to evade criminal responsibility.

In addition, the court considers that the risk of concealment from the authorities of the pre-trial investigation or the court is proven, because after the accused made bail, he violated the conditions of the bail and made an attempt to cross the border.

Thus, according to the letter of the Office of the Security Service of Ukraine in the Kharkiv region dated August 1, 2023 No. 70/1-7786 regarding the violation of the conditions of a preventive measure, Lira Lopez Gonzalo Angel Quintilio on a BMW motorcycle, license plate number NUMBER_1, arbitrarily headed to the state border of Ukraine from Hungary. While on the territory of the Transcarpathian region in the period from July 31, 2023 to August 1, 2023, the above-mentioned person made an unsuccessful attempt to cross the state border at the Chop checkpoint (Tysa).

At the court hearing, during the decision on the issue of choosing a preventive measure and applying for bail to the state revenue, the accused gave explanations, according to which he confirmed the fact of violation of his duty not to leave the city of Kharkiv without the appropriate permission of the court. He noted that he voluntarily went to the state border of Ukraine. While on the territory of Zakarpattia Oblast in the period from July 31, 2023 to August 1, 2023, he made an unsuccessful attempt to cross the state border at the Chop checkpoint.

Taking into account the above, the court, when considering the petition for the extension of the preventive measure, considers that the risk of hiding the accused from the authorities of the pre-trial investigation or the court exists and is fully proven. The fact that the accused attempted to cross the state border objectively indicates the existence of a risk of hiding from the court, and therefore the defense's assertion that there is no evidence of such a risk is unfounded.

According to the practice of the European Court of Human Rights, the court with its decision must ensure not only the rights of the accused, but also high standards of protection of general societal rights and interests. Ensuring such standards, as emphasized by the European Court of Human Rights, requires the court to be more strict in assessing violations of society's values.

Taking into account the specific circumstances of the crime charged against the accused, namely, that he is accused of committing crimes classified as crimes against peace, human security and international legal order, the court considers that there is an existing public interest in this legal proceeding, which consists in the need to protect high standards of protection of the rights and interests of society.

When deciding the issue of extending the preventive measure, the court takes into account the presence of risks provided for in Clause 1, Part 5 of Article 1. 177 of the Criminal Procedure Code of Ukraine, as well as assessing the totality of circumstances, namely: the weight of the evidence established by the investigating judge and the appellate court at the stage of the pre-trial investigation about the commission of PERSON_7 criminal offenses (reasonableness of suspicion); the severity of the punishment that threatens him in the case of being found guilty of a serious criminal offense, provided for in Part 3 of Art. 436-2 of the Criminal Code of Ukraine, data on the identity of the accused, who is not a citizen of Ukraine, can leave the territory of Ukraine without hindrance, does not have in the territory of Ukraine proper property and an official source of income, believes that the application in relation to PERSON_7 is more lenient preventive measure is not sufficient to prevent the risks provided for in Clause 1, Part 5 of Article 1. 177 of the CPC of Ukraine.

Taking into account the above, in order to ensure the fulfillment of the procedural duties assigned to the accused, to prevent absconding from the court, the commission of other criminal offenses, the court at this stage of the court proceedings considers it expedient to extend the term of the preventive measure in the form of detention in relation to PERSON_7, for a period of up to February 19, 2024.

Also, taking into account the above, the court comes to the conclusion that at this stage of the court proceedings there are no grounds for changing the preventive measure chosen for the accused.

In addition, the court took into account all grounds and circumstances provided for in Art. 178 of the Criminal Procedure Code of Ukraine, information about the person and available evidence that the accused has committed a criminal offense, the severity of the punishment that threatens him in the event of being found guilty and the circumstances provided for in Art. 177, 178 of the Criminal Procedure Code of Ukraine, according to which the court has the right not to determine the amount of the bail.

According to Part 3 of Art. 183 of the Criminal Code of Ukraine, when passing a decision on the application of a preventive measure in the form of detention, the court is obliged to determine the amount of bail sufficient to ensure that the suspect, accused person fulfills the obligations provided for by this Code, except for the cases provided for in part four of this article.

According to Part 4 of Art. 183 of the Criminal Procedure Code of Ukraine, when passing a decision on the application of a preventive measure in the form of detention, taking into account the grounds and circumstances provided for in Articles 177 and 178 of this Code, the court has the right to determine the amount of bail in criminal proceedings: in relation to a crime committed with the use of violence or threatening use; regarding the crime that caused the death of a person; in relation to a person, in relation to whom a preventive measure in the form of bail was already chosen in this proceeding, but was violated by her; regarding the crime provided for by Articles 255-255 of the Criminal Code of Ukraine; in relation to a particularly serious crime in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues or precursors. During martial law, the investigating

judge, the court, when passing a decision on the application of a preventive measure in the form of detention, taking into account the grounds and circumstances provided for in Articles 177 and 178 of this Code, has the right not to determine the amount of bail in criminal proceedings regarding the crime provided for in Articles 109-114-2, 258-258-6, 260, 261, 402-405, 407, 408, 429, 437-442 of the Criminal Code of Ukraine.

By the decision of the Dzerzhinsky District Court of Kharkiv dated August 4, 2023, it was established, and the prosecutor proved the existence of the circumstances provided for in Part 4 of Art. 183 of the Criminal Procedure Code of Ukraine, which are the legal basis for not determining the amount of bail in this criminal proceeding. Namely, the circumstance provided for in Clause 3, Part 4 of Art. 183 of the CPC of Ukraine.

Taking into account the accused's violation of the preventive measure in the form of bail, the court came to the conclusion that there are no grounds for determining the amount of the bail.

The assessment of the specified circumstances indicates that the accused violated the obligations imposed on him by the decision of the Dzerzhynskyi District Court of Kharkiv dated June 26, 2023, that is, preventive measures in the form of bail are not capable of ensuring that the accused fulfills the procedural obligations assigned to him.

Considering the request to extend the preventive measure in the form of detention, the court believes that the preventive measure in the form of house arrest will also not be able to prevent the risks proven by the prosecutor.

According to the results of the analyzed criminal proceedings as a whole, the court came to the conclusion that preventive measures in the form of bail or house arrest are not capable of ensuring that the accused fulfills the procedural duties assigned to him.

Taking into account the fact that the case is at the stage of judicial review and as of the time of the consideration of the petition by the court, the indictment documents were attached to the case file, the court considers the continued existence of the risk of destruction, hiding or distortion of any of the things or documents that are of significant importance to the prosecutor unproven establishing the circumstances of a criminal offense.

As for the arguments of the defense counsel and the accused regarding the disagreement with the qualification of the indicted criminal offense, at this stage of the trial, these arguments cannot be considered as evidence of the groundlessness of the accusation, the absence of risks established by the court, and the existence of grounds for choosing a more lenient sentence. precautionary measure.

The issue of incorrect legal classification of the crime cannot be resolved before examining the indictment documents when considering a motion to extend the term of the preventive measure. The court is deprived of the opportunity to provide an assessment of the legal qualifications of the actions of the accused during the consideration of this petition and at this stage, since the specified arguments are subject to assessment by the court after examining the prosecution documents.

When deciding the issue of granting the prosecutor's request and extending the term of detention, the court takes into account the requirements for compliance with a reasonable term of detention, taking into account what it considers possible to extend the term of detention until February 19, 2024, which corresponds to the general provisions on reasonable terms set out in the legal position of the European Court of Human Rights in

the decision in the case "Kharchenko v. Ukraine" dated February 10, 2011, according to which "the reasonableness of the term of detention cannot be evaluated abstractly. It must be evaluated in each individual case depending on the specifics of the specific case, reasons, referred to in the decisions of national courts, the persuasiveness of the applicant's arguments set out in his request for release. The continuation of detention can be justified only in the presence of a specific public interest which, despite the presumption of innocence, prevails over the principle of respect for individual freedom."

According to the practice of the European Court of Human Rights, the court with its decision must ensure not only the rights of the accused, but also high standards of protection of general societal rights and interests. Ensuring such standards, as emphasized by the European Court of Human Rights, requires the court to be more strict in assessing violations of society's values.

In the decision of the European Court of Human Rights in the case "Kalashnikov v. Russia" dated July 15, 2002, the court determined that any system of mandatory detention is incompatible with the definition of Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms. If the law establishes a presumption regarding the circumstances relating to the grounds for detention, the presence of specific circumstances which prevail over the rule of respect for personal freedom.

Thus, the court considers that the defense counsel's arguments regarding the violation of reasonable terms of detention are unfounded.

Persons detained in the pre-trial detention center are provided with primary medical and preventive care, which includes a doctor's consultation, diagnosis and treatment of the most common diseases, injuries and poisonings, preventive measures, referral of a sick accused person for the provision of specialized and highly specialized care, taking into account the issues regarding the provision of medical assistance to the accused in the event of an unsatisfactory state of health in the pre-trial detention center is guaranteed.

In the Court session, based on the explanations given by the doctor, it was established that the State Institution "Kharkiv Investigation Detention Center" has created the proper conditions necessary for diagnosis, providing the accused with appropriate treatment and preventing possible complications or exacerbation of the disease.

At the same time, evaluating the data regarding the unsatisfactory state of health of the accused, the court is guided by the following.

Compliance 2 of the Criminal Procedure Code of Ukraine, the task of criminal proceedings is, among other things, to protect the rights, freedoms and legitimate interests of the participants in criminal proceedings, including the accused.

Article 8 of the Criminal Procedure Code of Ukraine stipulates that criminal proceedings are carried out in compliance with the principle of the rule of law, according to which a person, his rights and freedoms are recognized as the highest values and determine the content and direction of the state's activities.

In the decision of the European Court of Human Rights dated December 18, 2008, in the case "Wuhan v. Ukraine", it is stated that Article 3 of the Convention imposes on the state the obligation to protect the physical health of persons deprived of their liberty. The court recognizes that the medical care available in correctional facilities may not always be at the same level as the best community health care facilities. However, the state must ensure

adequate protection of the health of prisoners, in particular by providing the necessary medical care (see Kudla v. Poland [GC], N 30210/96, para. 94, ECHR 2000-XI); see also Hurtado v. Switzerland, judgment of 28 January 1994, Series A, N 280-A).

In accordance with part 5, part 6 of Art. 9 of the Criminal Procedure Code of Ukraine, the criminal procedural legislation of Ukraine is applied taking into account the practice of the European Court of Human Rights. In cases where the provisions of this Code do not regulate or ambiguously regulate issues of criminal proceedings, the general principles of criminal proceedings defined in the first part of Article 7 of this Code shall be applied.

Taking into account the above and guided by the principle of the rule of law and the practice of the European Court of Human Rights, in order to ensure the accused's right to receive appropriate medical care, the court considers it necessary to instruct the medical department of the "Kharkiv remand detention center" to continue the medical examination of PERSON_7 in order to identify and control the state of health of the latter and continue his proper treatment, if necessary.

Guided by Art. 34, 183, 314, 331, 369-372 of the CCP of Ukraine,-

RESOLVED:

Petition of the prosecutor of the Kharkiv Regional Prosecutor's Office PERSON_3 to extend the term of the preventive measure in the form of detention in criminal proceedings, entered in the Unified Register of Pretrial Investigations under No. 22022220000000618 dated April 12, 2022, regarding PERSON_7, INFORMATION_1, who is accused of committing criminal offenses provided for in Part 2 Art. 436-2, Part 3 of Art. 436-2 of the Criminal Code of Ukraine - satisfy.

Extend the effect of the preventive measure in the form of detention, chosen for the accused PERSON_7, INFORMATION_1, in the State Institution "Kharkiv Remand Isolator" until February 19, 2024, without determining the amount of bail.

To instruct the Kharkiv City Medical Unit No. 27 of the State Institution "Center for Health Care of the State Department of Health of Ukraine", branches in the Kharkiv and Luhansk regions, to continue the medical examination of Lira Lopez PERSON_10 in order to determine and monitor the latter's state of health and to continue his proper treatment, if necessary .

The decision can be appealed in the appeal procedure by submitting an appeal directly to the court of appeal within five days from the day of its announcement. For PERSON_7, the deadline for filing an appeal is calculated from the moment a copy of this decision is delivered to him.

The resolution is subject to immediate execution after its announcement.

Judge PERSON_1

Date of decision	21.12.2023
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